

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

KIMBERLY ANN LOCKHART,)
)
 Petitioner,)
)
v.)
)
PHILIP G. SMITH,)
)
 Respondent.)
)

Docket No. 2:11-cv-348-GZS

WARRANT & ORDER TO TAKE CUSTODY OF CHILDREN

During this Hague Petition proceeding, this Court “may take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the child involved or to prevent the child's further removal or concealment before the final disposition of the petition.” 42 U.S.C.A. § 11604(a). In accordance with this authority, this Court issued the September 14, 2011 Order to Show Cause (Docket # 5) requiring that the two children who are the subject of the pending Petition (S.P.S. (born 2000) and G.T.S. (born 1999)) appear at the courthouse on September 16, 2011. The Children have not appeared.

Based on the testimony provided by Philip Smith, it appears Respondent is unwilling to comply with the Court’s orders and ensure that the Children remain within the jurisdiction of the Court. Therefore, in accordance with 42 U.S.C. § 11604(b) and 19-A M.R.S.A. §§ 1771 & 1754, the Court has concluded that these children are in danger of possibly be removed from the jurisdiction. The Court hereby ORDERS that the United States Marshal shall locate the Children and immediately take physical custody of the Children. The Children shall be brought before the Court so that the Court can determine a safe custody arrangement pending final resolution of this case.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 16th day of September, 2011.